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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under
articles 16 and 17 of the Covenant in accordance
with the programme established by Economic and
Social Council resolution 1988/4

Addendum

COSTA RICA

[1 March 1989]

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GENERAL

1. In accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (Economic and Social Council resolution 1988 (LX) of 11 May 1976), the following is the initial report being submitted by the Government of Costa Rica to the Secretary-General of the United Nations. It indicates the constitutional and legal measures which have been adopted by the Government of Costa Rica to ensure full respect for the rights provided for in the Covenant and which are within the scope of its activity. Some of the measures predate the adoption of the Covenant and its entry into force, since they refer to basic principles which have formed and continue to form the basis for the constitutional and democratic process in the Republic.
2. Although the Covenant does not require information on its first five articles, the initial report includes the most important information, since these articles refer to basic rights provided for by the Costa Rican legal system, such as the right of self-determination, the right to work, the right to strike, the right of everyone to an adequate standard of living and the right to education. The method followed has been to highlight words, phrases and sentences in the relevant articles of the Covenant that define the economic, social and cultural rights which are regarded as being of primary importance in accordance with the principles of the Charter of the United Nations and the Universal Declaration of Human Rights. The concepts referred to are followed by transcriptions of the articles of the Constitution and special and general substantive legislation which promote and protect the rights in question.
3. For reasons of methodology, the initial report does not refer to the international instruments to which Costa Rica is a party and to which the Covenant refers either directly or indirectly. For the same reasons, court decisions and rules of procedure have not been included. Subsequent updatings will refer to them and to new legal provisions relating to the principles embodied in the Covenant.
4. The constitutional and legal provisions that have been reproduced are the main ones which refer most directly to the rights provided for in the Covenant, but they do not exclude other provisions which are less important in quantitative and qualitative terms, which are in force and which give effect to economic, social and cultural rights.
5. As a matter of historical tradition, Costa Rica has always been a peace-loving nation that has respected, both in theory and in practice, all the rights contained in the Covenant. It therefore deeply regrets that it was unable to submit the report relating to the first stage on time. It undertakes to continue submitting reports as and when indicated. Subsequent reports will be submitted according to the stages provided for in the programme adopted by the Economic and Social Council and will describe the measures Costa Rica has adopted and the progress it has made. In Costa Rica, the Covenant was adopted by Act No. 4229 of 8 November 1968.

I. INFORMATION RELATING TO EACH OF THE ARTICLES OF THE COVENANT

Article 1

6. Right of self-determination

(a) CONSTITUTION

"Article 1. Costa Rica is a democratic, free and independent Republic.

Article 2. Sovereign power is vested exclusively in the nation.

Article 3. No one may arrogate the sovereign power to himself; any person so doing commits the crime of treason against his country.

Article 4. No person or assembly of persons may assume the representation of the people, arrogate its rights to himself or to themselves or make petitions on its behalf. Breach of this article shall constitute sedition.

Article 6. The State exercises full and exclusive sovereign power in the airspace above its territory, in its territorial waters extending 12 miles from the low-water line along its coast, on its continental shelf and on its insular sill in accordance with the principles of international law.

Article 7. Public treaties, international agreements and conventions duly approved by the Legislative Assembly shall, from the time of their promulgation or the day referred to in them, take precedence over the laws.

Public treaties and international agreements relating to the territorial integrity or political organization of the country shall require the approval of the Legislative Assembly through the vote of no fewer than three fourths of its total membership and two thirds of the members of a constituent assembly convened for the purpose."

(b) PENAL CODE

"Article 292. Any persons who take up arms to change the Constitution, overthrow any of the organs of the State or prevent, even temporarily, the full exercise of their constitutional powers or their establishment or reappointment in due and proper form shall be liable to 2 to 10 years' imprisonment.

Article 293. The penalties provided for in the preceding article shall apply to any persons who violate the principle of the rotation of the powers of the State and do not fulfil the duty to place the security forces at the disposal of the constitutional Government."

7. Right of peoples freely to dispose of their natural wealth and resources

(a) CONSTITUTION

"Article 6. ... It shall also have special jurisdiction over the sea adjacent to its territory extending 200 miles from the same line in order to protect, preserve and exploit on an exclusive basis all the natural resources and wealth in the waters, the bed and the subsoil of these zones, in accordance with the same principles.

Article 121. In addition to the other powers conferred upon it by this Constitution, the Legislative Assembly has exclusive powers to: ...

(14) Order the alienation or use for public purposes of property belonging to the nation.

The following may not be removed definitively from State control:

(a) The power which may be obtained from water in the public domain in the national territory;

(b) Coal deposits, deposits of oil and any other hydrocarbons, as well as deposits of radioactive minerals in the national territory;

(c) Radio and television services.

The resources referred to in paragraphs (a), (b) and (c) above may be exploited by the Government or by private individuals only in accordance with the law or through a special concession granted for a limited time and in conformity with the terms and conditions laid down by the Legislative Assembly.

The national railways, ports and airports - when the latter are in operation - may not be transferred, leased or taxed directly or indirectly or be removed in any way from the domain and control of the State.

Article 140. The following duties and powers are vested jointly in the President and the Minister of Government concerned: ...

(19) To conclude administrative contracts not covered by article 121 (14) of this Constitution, subject to approval by the Legislative Assembly when they provide for any tax exemption or relate to the operation of public services or the exploitation of the natural resources or wealth of the State."

(b) MINING CODE

"Article 1. The State has absolute, inalienable and imprescriptible control over all mineral resources in the national territory and in its territorial sea, whatever their origin, their physical condition or the nature of the substances they contain. The State shall endeavour to exploit mineral resources itself or through bodies which are subordinate to it.

However, the State may grant concessions for the exploration, exploitation and use of mineral resources, in accordance with the present Act.

Concessions shall not affect State control in any way and shall be extinguished in the event of non-compliance with the legal requirements for their maintenance.

Article 4. Deposits of coal, natural gas, oil and any hydrocarbon; radioactive minerals; thermal springs, sources of geothermal and oceanothermal energy, sources of hydroelectric power; and mineral springs and waters and subterranean waters and ground water shall be reserved for the State and may be exploited only by the State, by private individuals in accordance with the law, or by a special concession granted for a limited time and in accordance with the terms and conditions laid down by the Legislative Assembly.

Natural resources in the soil, subsoil and waters of the seas adjacent to the national territory extending up to 200 miles from the low-water line along the coast may be exploited only in accordance with article 121 (14) (last paragraph) of the Constitution."

(c) FORESTRY ACT

"Article 1. The present Act provides that it is a basic and priority function of the State to monitor the protection, conservation, use, industrialization, management and development of the country's forestry resources in accordance with the principle of the rational use of renewable natural resources."

(d) WILDLIFE CONSERVATION ACT

"Article 1. The conservation of wildlife, a renewable natural resource that forms part of the national heritage, is declared to be in the public interest.

Article 2. The wildlife governed by the present Act is composed of animals which live temporarily or permanently in natural conditions in the national territory, and they may come into private possession only in accordance with the provisions contained in this Act and the regulations thereto."

Article 2

8. Full realization of rights

(a) CONSTITUTION

"Article 33. All persons are equal before the law and may not be subjected to any discrimination incompatible with human dignity."

(b) PENAL CODE

"Article 193. Anyone who uses serious threats or physical or mental violence to compel another person to do, not to do or tolerate something that is not an obligation shall be liable to one to two years' imprisonment or a fine of 50 to 200 days' wages."

9. Without discrimination

(a) CONSTITUTION

"Article 33. All persons are equal before the law and may not be subjected to any discrimination incompatible with human dignity."

(b) ACT PROHIBITING DISCRIMINATION AT WORK

"Article 1. Any kind of discrimination involving distinctions, exclusions or preferences based on grounds of race, colour, sex, age, religion, marital status, political opinion, national or social origin, filiation or financial situation and restricting equality of opportunity or treatment in respect of employment or occupation is prohibited."

(c) PENAL CODE

"Article 371. Any person who is the manager or director of a government or private institution or the administrator of an industrial or commercial enterprise who applies any prejudicial discriminatory measure based on grounds of race, sex, age, religion, marital status, political opinion, social origin or financial situation shall be liable to a fine of 20 to 60 days' wages.

If the offence is repeated, the court may also impose the additional penalty of suspension from any public post or office for not less than 15 or more than 60 days.

Article 373. Any person who takes part, with intent to kill, in the total or partial destruction of a particular group of human beings, on the ground of their nationality, race or religious or political beliefs, shall be liable to 10 to 25 years' imprisonment."

10. Non-nationals

(a) CONSTITUTION

"Article 19. Aliens have the same duties and rights, both individual and social, as Costa Ricans, subject to the exceptions and limitations established by this Constitution and by law.

They may not take part in the political affairs of the country and are subject to the jurisdiction of the courts of justice and of the authorities of the Republic; they may not have recourse to diplomatic protection, save as provided in international agreements.

Article 45. Property is inviolable; no one may be deprived of his property other than on legally proved grounds of public interest and after compensation in accordance with the law.

Article 68. Discrimination between Costa Ricans and aliens or with regard to any group of workers in respect of wages, advantages or conditions of employment is prohibited."

(b) OPTIONS AND NATURALIZATIONS ACT

"Article 22. Aliens are under an obligation to pay taxes, as provided for by law, and to obey and respect the institutions, laws and authorities of the country."

(c) GENERAL IMMIGRATION AND ALIENS ACT

"Article 64. Aliens have the same duties and rights, both individual and social, as Costa Ricans, subject to the exceptions and limitations established by the Constitution and by law. They may not take part in the political affairs of the country and are subject to the jurisdiction of the courts of justice and of the authorities of the Republic; they may not have recourse to diplomatic protection, save as provided in international agreements.

Article 70. Aliens who reside permanently or live temporarily in the country and who are allowed to work according to their category or subcategory of income and length of stay shall enjoy the protection of the relevant labour and social laws.

Article 71. Aliens admitted or authorized as permanent residents may engage in any paid or gainful work or activity on their own account or that of a third party, in accordance with their income category, the laws governing the exercise of the activity and the provisions of the present Act and the regulations thereto.

Article 72. Aliens admitted or authorized as temporary residents may, subject to the exceptions established by the regulations to this Act, engage in wage-earning or gainful activities for their own account or that of a third party only during the period of their legal stay and in such activities as are authorized by the General Department, subject to approval by the Ministry of Labour and Social Security.

Article 73. Aliens admitted as non-residents may not engage in gainful work or activities for their own account or that of a third party, with the exception of artists, sportsmen, entertainers and migrant workers, in accordance with the authorization granted by the General Department, subject to approval by the Ministry of Labour and Social Security."

Article 3

11. Equal right of men and women to the enjoyment of all rights

(a) CONSTITUTION

"Article 20. All men are free in the Republic; a person who is under the protection of its laws cannot be a slave.

Article 33. All persons are equal before the law and no discrimination contrary to human dignity may be practised.

Article 56. Work is a right of the individual and an obligation towards society. The State shall endeavour to ensure that everyone has honourable, useful and properly remunerated employment, and that employment shall not result in the establishment of conditions which in any way detract from the freedom or dignity of man or reduce his labour to the status of a mere commodity. The State shall guarantee the right freely to choose employment."

(b) LABOUR CODE

"Article 8. No individual's freedom to work may be restricted, nor may he be prevented from working in the profession, industry or trade of his choosing, provided he complies with the relevant laws and regulations. Work may only be prevented by a decision of the competent authorities, issued in accordance with the law, if it jeopardizes the rights of third parties or of society.

Freedom to work shall not be considered to be restricted by measures taken in application of the powers laid down by this Code, and by the regulations and laws relating thereto."

(c) NATIONAL CENTRE FOR THE ADVANCEMENT OF WOMEN AND THE FAMILY ACT

"Article 1. The National Centre for the Advancement of Women and the Family is hereby established as an associate body of the Ministry of Culture, Youth and Sport, with its own legal personality and property, for the purpose of achieving greater involvement of Costa Rican women in the country's material and spiritual development.

Article 2. The responsibilities of the Centre shall be:

(a) To draw up and adopt educational programmes, for the benefit of women and of the family, to provide women with a basic and elementary education to enable them to take advantage of further training and to ensure they are not a factor of deculturalization within the family;

(i) To ensure effective compliance with the international agreements signed by Costa Rica for the advancement of women and the family and to secure accession by Costa Rica to future agreements drawn up for the same purpose". ...

Article 4

12. Limitations determined by law

(a) CONSTITUTION

"Article 19. Aliens have the same duties and rights, both individual and social, as Costa Ricans, subject to the exceptions and limitations established by this Constitution and by law.

They may not take part in the political affairs of the country and are subject to the jurisdiction of the courts of justice and of the authorities of the Republic; they may not have recourse to diplomatic protection, save as provided in international agreements.

Article 22. Every Costa Rican may move to, and stay in, any place in the Republic or abroad, provided that he is free of legal liability, and may return when he pleases. Conditions calculated to prevent their entry into the country may not be imposed on Costa Ricans.

Article 23. The domicile and other private premises of the inhabitants of the Republic are inviolable. They may nevertheless be searched on a warrant issued by a competent judge, subject to the provisions of the law, in order to prevent the commission, or secure the punishment, of crimes or to prevent grave injury to persons or property.

Article 24. Private papers and communications in speech or in writing of the inhabitants of the Republic are inviolable. Nevertheless, the law shall determine the cases in which courts of justice may order the seizure, search or examination of private documents when such action is absolutely necessary for the elucidation of cases before the courts.

The law shall likewise determine the cases in which the responsible public officials may audit accounts books and the like as a measure essential for fiscal purposes.

Any correspondence, of whatever kind, which has been unlawfully removed, shall not produce any legal effect.

Article 26. All persons have the right to meet peacefully and without weapons, whether for private business or to discuss political affairs and to examine the public conduct of public officials.

Prior authorization shall not be required for meetings in private places. Meetings held in public places shall be regulated by law.

Article 28. No one may be molested or persecuted for expressing his opinions or for any act which does not break the law.

Private actions not contrary to morality or public order or to the prejudice of a third party shall not be subject to the action of the law.

Nevertheless, no form of political propaganda invoking religious grounds or making use of religious beliefs may be made by laymen or by clerics.

Article 29. Every person may communicate his thoughts by word of mouth or publish them in writing, without previous censorship, but shall nevertheless be liable for any abuses he may commit in the exercise of this right, in the cases and in the manner established by law.

Article 32. No Costa Rican may be compelled to leave the national territory.

Article 33. All persons are equal before the law and may not be subjected to any discrimination incompatible with human dignity.

Article 45. Property is inviolable; no one may be deprived of his property other than on legally proved grounds of public interest and after prior compensation in accordance with the law. In the event of war or internal disturbance, the requirement of prior compensation may be waived. Compensation shall nevertheless be paid not later than two years after the end of the state of emergency."

(b) GENERAL IMMIGRATION AND ALIENS ACT

"Article 63. Aliens enter and stay on the territory of the Republic pursuant to the conditions and requirements laid down by this law and the regulations."

Article 6

13. Right to work

(a) CONSTITUTION

"Article 56. Work is a right of the individual and an obligation towards society. The State shall endeavour to ensure that everyone has honourable, useful and properly remunerated employment, and that employment shall not result in the establishment of conditions which in any way detract from the freedom or dignity of man or reduce his labour to the status of a mere commodity. The State shall guarantee the right freely to choose employment."

(b) LABOUR CODE

"Article 1. This Code regulates the rights and obligations of employers and workers in their work relations, in accordance with the Christian principles of social justice.

Article 8. No individual's freedom to work may be restricted, nor may he be prevented from working in the profession, industry or trade of his choosing, provided he complies with the relevant laws and regulations. Work may only be prevented by a decision of the competent authorities, issued in accordance with the law, if it jeopardizes the rights of third parties or of society.

Freedom to work shall not be considered to be restricted by measures taken in application of the powers laid down by this Code, and by the regulations and laws relating thereto."

(c) ACT PROHIBITING DISCRIMINATION AT WORK

"Article 1. Any kind of discrimination involving distinctions, exclusions or preferences based on grounds of race, colour, sex, age, religion, marital status, political opinion, national or social origin, filiation or financial situation and restricting equality of opportunity or treatment in respect of employment or occupation is prohibited."

14. Work freely chosen or accepted

(a) CONSTITUTION

"Article 56. ... The State shall guarantee the right freely to choose employment."

(b) LABOUR CODE

"Article 4. A worker is any natural person who provides physical, intellectual or both forms of services to another person or other persons, by virtue of an explicit, implicit, verbal or written, individual or collective contract of employment.

Article 11. Any waiver by workers of the provisions of this Code and of related laws of benefit to them shall be completely null and void."

15. Technical and vocational guidance and training

(a) CONSTITUTION

"Article 67. The technical and cultural education of the workers shall be a concern of the State.

Article 83. The State shall sponsor and organize adult education with a view to combating illiteracy and providing cultural opportunities for persons who wish to improve their intellectual, social and economic situation."

(b) APPRENTICESHIP ACT

"Article 1. This Act regulates the National Apprenticeship System, which is specifically intended to provide regular and complete vocational training for adolescents, for periods determined in advance, both in training centres and in firms, in order to enable them to perform skilled and graded jobs for which they have been and are entitled to be hired."

16. Full and productive employment

(a) CONSTITUTION

"Article 62. Collective labour agreements negotiated between employers or associations of employers and workers' associations organized in accordance with the law shall be binding in law.

Article 74. The rights and benefits referred to in this chapter may not be renounced. The enumeration does not exclude other rights and benefits derived from the Christian principle of social justice and indicated by law; they shall be applicable equally to all participants in the process of production and regulated by social and labour legislation with a view to realizing a permanent policy of national solidarity."

(b) LABOUR CODE

"Article 11. Any waiver by workers of the provisions of this Code and of related laws of benefit to them shall be completely null and void.

Article 14. This law is a matter of public policy and the provisions shall apply to all firms, concerns or establishments of any kind whatsoever, whether public or private, existing at the present or established in the future in Costa Rica, and to all the inhabitants of the Republic, without distinction as to sex or nationality ..."

Article 7

17. Just conditions of work

(a) CONSTITUTION

"Article 56. Work is a right of the individual and an obligation towards society. The State shall endeavour to ensure that everyone has honourable, useful and properly remunerated employment, and that employment shall not result in the establishment of conditions which in any way detract from the freedom or dignity of man or reduce his labour to the status of a mere commodity. The State shall guarantee the right freely to choose employment.

Article 72. Pending the establishment of unemployment insurance, the State shall maintain a permanent technical system for the protection of persons unemployed through no fault of their own and shall endeavour to secure their re-employment."

(b) LABOUR CODE

"Article 4. A worker is any natural person who provides physical, intellectual or both forms of services to another person or other persons, by virtue of an explicit, implicit, verbal or written, individual or collective contract of employment."

18. Fair wages and equal remuneration

(a) CONSTITUTION

"Article 57. Every worker shall have the right to a minimum wage, which shall be fixed periodically, for a normal day's work and shall be such as to secure his well-being and an existence worthy of a human being. Wages shall in every case be equal for equal work under identical conditions of efficiency.

All matters relating to the establishment of minimum wages shall be the responsibility of the technical body designated by law."

(b) LABOUR CODE

"Article 1. This Code regulates the rights and obligations of employers and workers in their work relations, in accordance with the Christian principles of social justice.

Article 11. Any waiver by workers of the provisions of this Code and of related laws of benefit to them shall be completely null and void."

(c) MINISTRY OF LABOUR AND SOCIAL SECURITY ORGANIZATION ACT

Wages Board:

"Article 59. The Board shall monitor all the factors affecting the level of minimum wages and shall operate under the National Wages Council. The Secretary of the Council shall be appointed head of the Board ex officio."

Article 62. The Board shall act in an advisory capacity to employers and workers in connection with all matters relating to minimum wages."

19. Guaranteeing women equal conditions of work

(a) CONSTITUTION

"Article 51. The family, as the natural unit and the basis of society, is entitled to the special protection of the State. Mothers, children, aged persons and sick persons without means of support shall likewise be entitled to such protection."

Article 71. The laws shall afford protection to women workers and workers under age."

(b) LABOUR CODE

"Article 4. A worker is any natural person who provides physical, intellectual or both forms of services to another person or other persons, by virtue of an explicit, implicit, verbal or written, individual or collective contract of employment."

Article 7. No individual's freedom to engage in commerce in work areas shall be restricted, unless such freedom is contrary to the interests of the workers themselves or of the community, nor shall any other dues or taxes other than those authorized by the relevant laws be charged."

Article 87. It is strictly forbidden to engage women and persons under 18 years of age for work which is unhealthy, arduous or represents either a physical or a moral danger, as defined by the regulations. ... Without prejudice to other legal penalties and compensation, if any of the persons referred to in the previous paragraph meet with an accident or suffers a disease and it is ascertained that the accident or disease is due to such prohibited work the employer held responsible shall indemnify the victim of an accident or illness with a sum equal to three months' wages."

Article 94. Employers shall be prohibited from dismissing female workers because they are pregnant or are nursing infants. The administrative labour authorities must be informed in advance of any legitimate dismissal of pregnant or nursing women."

20. Equal pay for equal work

(a) CONSTITUTION

"Article 57. Every worker shall have the right to a minimum wage, which shall be fixed periodically, for a normal day's work and shall be such as to secure his well-being and an existence worthy of a human being. Wages shall in every case be equal for equal work under identical conditions of efficiency.

Article 68. Discrimination between Costa Ricans and aliens or with regard to any group of workers in respect of wages, advantages or conditions of employment is prohibited.

Other things being equal, preference shall be given to Costa Rican workers."

(b) LABOUR CODE

"Article 163. Wages shall be freely set, but may not be lower than the minimum wage, pursuant to the provisions of this law.

(c) MINISTRY OF LABOUR AND SOCIAL SECURITY ORGANIZATION ACT

Wages Board:

"Article 59. The Board shall monitor all the factors affecting the level of minimum wages and shall operate under the National Wages Council. The Secretary of the Council shall be appointed head of the Board ex officio.

Article 62. The Board shall act in an advisory capacity to employers and workers in connection with all matters relating to minimum wages."

21. Safe and healthy working conditions

(a) CONSTITUTION

"Article 66. Every employer shall in his place of employment take the measures necessary for the hygiene and safety of the workers."

(b) LABOUR CODE

"Article 193. Every employer, whether public or private, shall insure his workers against work-related risks with the National Institute of Insurance ...

The obligation of the employer to take out insurance against work-related risks shall still apply when the workers are under the orders of contractors used by the employer to carry out or perform the work."

(c) GENERAL HEALTH ACT

"Article 3. Every inhabitant is entitled to health services, as specified by the special laws and regulations, and is under a duty to care for his own health and help preserve the health of his family and of the community.

Article 19. Every individual is entitled to request from the health services information and measures to prevent or avoid the effects of his own dependence, or that of persons under his care, on drugs or other substances, and shall follow the appropriate special recommendations issued by the health authorities."

(d) MINISTRY OF LABOUR AND SOCIAL SECURITY ORGANIZATION ACT

Occupational Safety and Hygiene Office:

"Article 63. The Office shall determine working conditions in all private or State-owned firms, institutions or places of work to ensure that the services are performed under the best conditions of hygiene and safety.

Article 64. It shall issue a manual on general industrial hygiene relating to specific private industries, chosen on account of the danger to the workers, and of general conditions of hygiene and of workers' hygiene in particular. The manual shall be updated from time to time."

(e) GENERAL OCCUPATIONAL SAFETY AND HYGIENE REGULATIONS

"Article 3. Every employer, employer's representative, intermediary or contractor shall, under his own responsibility, adopt and implement in places of work, proper safety and hygiene measures to protect the life, health, physical and moral integrity of the workers, ...

Article 5. Employers are strictly prohibited from operating or continuing to operate any machinery in which dangerous energy supply points, moving parts and operator's position are not duly protected, and from using tools that are not in a proper state of repair.

Article 8. A joint workers-employers Safety Committee shall be established in all work places where 10 or more workers are employed. Sub-Committees or Committees may be established to study special or temporary situations, depending on the size, requirements and circumstances of the relevant place of work, as determined by the Bureau.

Article 14. Work premises shall be sufficiently spacious in terms of surface area and volume, depending on the climate, the requirements of the industry and the number of workers employed. The floor area of the premises shall be not less than two square metres for each worker, and the height shall not be less than 2.5 metres. In special cases a minimum height of two metres will be accepted, provided the Bureau is satisfied that the lack of height is compensated by artificial ventilation and lighting."

22. Equal opportunity for everyone to be promoted

(a) LABOUR CODE

"Article 4. A worker is any natural person who provides physical, intellectual or both forms of services to another person or other persons, by virtue of an explicit, implicit, verbal or written, individual or collective contract of employment."

23. Rest

(a) CONSTITUTION

"Article 59. All workers shall be entitled to one day's rest after six consecutive days' work ..."

(b) LABOUR CODE

"Article 136. The normal number of working hours shall not exceed 8 hours a day, 6 hours at night and 48 hours a week ...

The parties may freely negotiate the periods for rest and meals, in view of the nature of the work and in compliance with the legal provisions.

Article 137. The working day shall consist of the number of hours in which the worker remains under his employer's orders or during which he may not leave his place of work during the periods for rest and meals.

In any case, the compulsory minimum rest to be granted to workers for half an hour during the working day, provided such a period is continuous, shall be regarded as working time.

Article 152. Every worker shall be entitled to one day of complete rest after each week or each period of six continuous days of work, for which he shall receive due wages if he works in a business establishment or, in other cases, it is so stipulated.

Any employer who does not grant such a day of rest shall be penalized by law and shall be required to pay his workers twice the normal wage for that day."

24. Working hours

(a) CONSTITUTION

"Article 58. Normal working hours may not exceed 8 hours a day and 48 hours a week. Normal night work may not exceed 6 hours a night and 36 hours a week. Overtime shall be remunerated at a rate of 50 per cent above the contracted wage or salary. These provisions shall not, however, apply to exceptional and special cases which may be established by the law."

(b) LABOUR CODE

"Article 135. Day work shall be between 5 a.m. and 7 p.m. and night work between 7 p.m. and 5 a.m.

Article 136. The normal number of working hours shall not exceed 8 hours a day, 6 hours at night and 48 hours a week.

Nevertheless, in the case of work which is not by nature unhealthy or dangerous, a normal working day of up to 10 hours and a mixed working day of up to 8 hours may be negotiated, provided the actual number of hours a week does not exceed 48 hours.

The parties may freely negotiate the periods for rest and meals, in view of the nature of the work and in conformity with the legal provisions."

25. Periodic holidays

(a) CONSTITUTION

"Article 59. All workers shall be entitled to 1 day's rest after 6 consecutive days' work and to annual holidays with pay, the length and time of which shall be regulated by law but which may in no case be less than 2 weeks for every 50 weeks of unbroken service, without prejudice to the limited exceptions which may be established by law."

(b) LABOUR CODE

"Article 153. Every worker shall be entitled to paid annual holidays amounting to not less than 2 weeks for every 50 weeks of unbroken service with the same employer.

In the event of termination of the work contract before the period of 50 weeks has been completed, the worker shall be entitled to a minimum of one day's holiday for each month worked, which shall be paid to him at the time of his separation from service.

Neither unpaid leave, rest granted under the present Code, the regulations and related laws, certified sick leave, an extension or immediate renewal of a labour contract nor any other similar cause that does not terminate with the labour contract may be regarded as having broken the continuity of service.

Article 154. The worker shall be entitled to holidays even when his contract does not require him to work every hour of the work day nor every day of the week."

26. Remuneration for public holidays

(a) LABOUR CODE

"Article 147. Every day of the year, other than public holidays, shall be a working day ..."

Article 148. Except for the provisions of article 153, paragraph 3, for purposes of payment, public holidays shall be taken to mean only 1 January, Holy Thursday and Good Friday, 1 May, 15 September and 25 December, unless the employer has agreed to pay the worker for other days. Such payment shall be the normal wage if the worker is paid on a time basis and the normal wage that he would have earned during the week immediately before his rest, in the case of piece-work.

Article 149. Employers are strictly forbidden to require their employees to work on holidays and any offender shall be subject to the fine imposed by the law and shall compensate his employees as stipulated in article 152, paragraph 2."

(b) MINISTRY OF LABOUR AND SOCIAL SECURITY ORGANIZATION ACT

Social Welfare Office:

"Article 8. The Office shall be responsible for devising plans or schemes to enable workers to benefit from their rest periods, such as holidays or non-work days, vacations and the like, by setting up holiday camps and healthy recreation centres."

Article 8

27. Right to form and join trade unions

(a) CONSTITUTION

"Article 25. The inhabitants of the Republic have the right to associate for lawful purposes. No one may be compelled to belong to any association.

Article 60. Employers and workers alike may freely constitute associations among themselves for the exclusive purpose of securing and retaining economic, social or occupational advantages.

Aliens may not control, or exercise authority in, such associations."

(b) LABOUR CODE

"Article 339. A trade union is a permanent association of workers or employers or persons of a profession or occupation and is constituted exclusively to study, improve and protect their joint economic and social interests.

Article 343. Employers and workers are entitled to form trade unions without prior authorization, but the formalities must be initiated within 30 days following their establishment.

However, no trade union may be constituted with less than 20 members in the case of a trade union of workers or in the case of persons in an independent profession or occupation, or with less than 5 employers engaged in the same commercial, industrial or agricultural activity in the case of employer associations.

Article 361. The Ministry of Labour and Social Security shall foster harmonious and orderly development of the trade union movement by the lawful means it deems appropriate. To that end, it shall issue all necessary provisions in executive decrees, so as to safeguard the exercise of the right to form trade unions."

C. MINISTRY OF LABOUR AND SOCIAL SECURITY ORGANIZATION ACT

Trade Union Office:

"Article 47. The Office shall primarily encourage and monitor trade-union organizations. To that end, it shall develop a trade-union education programme and provide training for workers and employers in the purpose and nature of such organizations."

28. Right to establish national federations or confederations ... and form or join international trade-union organizations

(a) CONSTITUTION

"Article 25. The inhabitants of the Republic have the right to associate for lawful purposes. No one may be compelled to belong to any association.

Article 60. Employers and workers alike may freely constitute associations among themselves for the exclusive purpose of securing and retaining economic, social or occupational advantages.

Aliens may not control, or exercise authority in, such associations."

(b) LABOUR CODE

"Article 358. Two or more trade unions may form a federation and two or more federations may form a confederation, which shall be governed by the provisions of this chapter, wherever applicable, except as regards the lawful duration of the respective executive boards, which may extend up to a period of two years, with the right of the members to be re-elected.

Trade unions, federations and confederations shall have the right to join international organizations of workers or employers ..."

29. Right to strike

(a) CONSTITUTION

"Article 61. The right of employers to lock out workers and of workers to strike is recognized, except in public services deemed to be such by law and in accordance with the regulations established by law, which shall prohibit any act of coercion or violence."

(b) LABOUR CODE

"Article 364. Lawful strike action is temporary abandonment of work in an enterprise, establishment or business that has been decided on and carried out peacefully by a group of three or more workers, for the exclusive purpose of improving or defending their joint economic and social interests.

Article 367. Such strike action shall be limited to the simple act of suspending or abandoning work. Acts of coercion or violence against persons or property shall be sanctioned and the authorities shall enforce the relevant penalties.

Article 368. No strikes may be called in the public services. Any disputes in such services between employers and workers, as in all other cases in which strikes are forbidden, must be submitted to the labour tribunals.

Article 370. Unlawful strike action shall put an end, without any responsibility on the part of the employer, to the labour contracts signed by the strikers, regardless of any penalties imposed by the courts on the strikers.

However, new contracts signed by the employer shall not include any conditions less advantageous than those which existed in each case before the unlawful strike was declared."

Article 9

30. Social security

(a) CONSTITUTION

"Article 73. Social security for manual and office workers shall be established under a system of compulsory contributions by the State, employers and workers, in order to protect workers against the risks of sickness, invalidity, maternity, old age, death and other contingencies determined by law.

The administration and control of social security shall be the responsibility of an independent institution, known as the Costa Rican Social Security Fund.

Social security funds and reserves may not be transferred or used for purposes other than those for which they are constituted.

Insurance against occupational risks shall be the exclusive responsibility of employers and shall be governed by special regulations."

(b) ACT ESTABLISHING THE COSTA RICAN SOCIAL SECURITY FUND

"Article 1. The institution established to implement compulsory social security and to expand voluntary coverage shall be known as the Costa Rican Social Security Fund, and for the purposes of this Act and the regulations as the Fund.

Article 2. Compulsory social security shall cover the risks of illness, maternity, invalidity, old age and involuntary unemployment; in addition, it shall provide maternity, family, widow's and orphan's allowances, as well as a contribution towards burial costs, in accordance with a scale drawn up by the Fund, provided the death is not the consequence of an occupational risk."

(c) LABOUR CODE

"Article 193. Every employer, whether public or private, shall insure his workers against work-related risks with the National Institute of Insurance, pursuant to articles 4 and 18 of the Labour Code.

The obligation of the employer to take out insurance against work-related risks shall still apply when workers are under the orders of contractors used by the employer to carry out or perform the work."

Article 195. Occupational risks are those accidents and illnesses suffered by workers during or as a result of remunerated work under the orders of others, as well as any deterioration in their condition or relapse suffered as a direct, immediate and unquestionable consequence of such accidents and illnesses.

Article 201. Compulsory, universal and mandatory insurance for workers shall be taken out against occupational risks in all occupations. Any employer who fails to insure his workers shall be liable both to them and to the insurance body for the cost of all medical, health and rehabilitation services covered by this section of the Code and provided by the insurance body.

Article 204. Insurance against occupational risks shall be taken out exclusively with the National Insurance Institute, at the cost of the employer, and for the benefit of his workers. The National Insurance Institute is hereby authorized to issue policy receipts to certify the existence of such insurance."

Article 10

31. The family

(a) CONSTITUTION

"Article 51. The family, as the natural unit and the basis of society, is entitled to the special protection of the State. Mothers, children, aged persons and sick persons without means of support, shall likewise be entitled to such protection."

(b) FAMILY CODE

"Article 1. It is the obligation of the State of Costa Rica to protect the family.

Article 2. Family unity, the interests of children and of minors, and the equal rights and duties of spouses shall be the fundamental principles for the implementation and interpretation of this Code."

(c) LABOUR CODE

"Article 87. It shall be strictly forbidden to engage women and persons under 18 years of age for work which is unhealthy, arduous or represents either a physical or a moral danger, as defined by the regulations. To this end, the Ministry of Labour and Social Security shall take account of the provisions of article 199 and in regard to agriculture and stockbreeding classify the work in question as unhealthy, arduous or dangerous, only in well-justified exceptional cases. ...

Article 94. Employers shall be prohibited from dismissing female workers because they are pregnant or are nursing infants. The administrative labour authorities must be informed in advance of any legitimate dismissal of pregnant or nursing women.

Article 100. Every employer who employs more than 30 women in his establishment shall fit out special premises for women to nurse their children safely. The premises shall be simple, within the means of the employer, subject to the judgement and approval of the Occupational Safety and Hygiene Bureau."

(d) MINISTRY OF LABOUR AND SOCIAL SECURITY ORGANIZATION ACT

Family Affairs Office:

"Article 114. The Office shall:

(a) Handle all matters relating to improvement of the standard of living and general welfare of the family, children and unmarried mothers;

(b) Provide advice and guidance and secure reconciliation in respect of marital problems or in respect of the exercise of parental authority."

(e) PENAL CODE

"Article 185. A parent, adoptive parent or guardian of a person under 18 years of age or of a person without means of support, who deliberately fails to provide the essential maintenance required of him, whether or not under a court order, shall be liable to 1 month to 2 years' imprisonment or 15 to 90 days' fine.

The same penalty shall apply to the son or daughter of parents without means of support and to a spouse in respect of the other spouse, whether or not they are separated, or divorced, when the obligation is incurred, as well as to the brother or sister of a person non sui juris. The fact that other persons have provided maintenance shall not exempt the person concerned from his responsibility.

Article 186. The maximum penalty prescribed under the previous article shall be increased by one third if the person responsible has transferred his property to third persons, given up his employment or used any fraudulent means of avoiding his responsibility to provide maintenance.

Article 187. Anyone who fails to carry out or neglects his duties of protection, care and education towards a person under 18 years of age, thereby placing the person in a position of material or moral neglect, shall be liable to 6 months' to 1 year's imprisonment or 20 to 60 days' fine, in addition to being disqualified from exercising patria potestas for a period of 6 months to 2 years. The same penalty shall be incurred by a spouse who fails to protect his or her partner and leaves him or her in a state of material neglect.

In this case and in those covered by articles 185 and 186, a person who pays the maintenance due and provides the judge with satisfactory guarantees that he will subsequently carry out his obligations shall be exempted from any penalty.

Article 188. Anyone who fails to carry out or abuses the rights granted to him in the exercise of patria potestas or guardianship, to the obvious detriment of the child, ward or incapacitated person, shall be liable to six months' to two years' imprisonment, in addition to being barred from exercising the relevant rights or responsibilities for six months to two years."

32. Marriage must be entered into with the free consent of the intending spouses

(a) CONSTITUTION

"Article 52. Marriage is the essential basis of the family and is founded on the equality of rights of the spouses."

(b) FAMILY CODE

"Article 11. Marriage is the essential basis of the family and its object is for the spouses to live together, to co-operate and to provide each other with assistance.

Article 12. Any state contrary to the essential aims of marriage shall be null and void.

Article 13. For matrimony to exist, the consent of both partners must be lawfully and explicitly given."

(c) PENAL CODE

"Article 176. Persons who enter into matrimony when both are aware of any impediment nullifying their marriage shall be liable to six months' to three years' imprisonment.

Article 177. Anyone who enters into matrimony when he or she is aware of an impediment nullifying the marriage, and who conceals the fact from his or her partner, shall be liable to two to six years' imprisonment.

Article 178. Anyone who fraudulently feigns marriage to another person shall incur a prison sentence of from two to five years.

Article 179. Any public official who knowingly authorizes a marriage under any of the circumstances covered by the previous articles shall be liable to relevant penalty, increased by one third at the judge's discretion. If he acts out of negligence, he shall be liable to 15 to 60 days' fine."

33. Protection of mothers

(a) CONSTITUTION

"Article 51. The family, as the natural unit and the basis of society, is entitled to the special protection of the State. Mothers, children, aged persons and sick persons without means of support shall likewise be entitled to such protection.

Article 55. The special protection of mothers and children shall be the responsibility of an independent institution known as the National Children's Board, in the co-operation of other State institutions.

Article 71. The laws shall afford special protection to working mothers and minors."

(b) LABOUR CODE

"Article 94. Employers shall be prohibited from dismissing female workers because they are pregnant or are nursing infants. The administrative labour authorities must be informed in advance of any legitimate dismissal of pregnant or nursing women.

Article 100. Every employer who employs more than 30 women in his establishment shall fit out special premises for women to nurse their children safely. The premises shall be simple, within the means of the employer, subject to the judgement and approval of the Occupational Safety and Hygiene Office."

34. Children and young persons

(a) CONSTITUTION

"Article 51. The family, as the natural unit and the basis of society, is entitled to the special protection of the State. Mothers, children, aged persons and sick persons without means of support shall likewise be entitled to such protection."

(b) FAMILY CODE

"Article 3. Any qualification of the nature of filiation is prohibited."

(c) LABOUR CODE

"Article 87. It is strictly forbidden to engage women and persons under 18 years of age for work which is unhealthy, arduous or represents a physical or moral danger, as defined by the regulations ...

Article 88. The following are also strictly forbidden:

(a) Night work for persons under 18 years of age and day work for such persons in inns, clubs, bars and all premises where intoxicating beverages are sold for immediate consumption; ...

Article 89. The following are also forbidden:

(a) More than 7 hours' work a day and more than 42 hours' work a week for persons between 15 and 18 years of age;

(b) More than 5 hours' work a day and more than 30 hours' work a week for persons between 12 and 15 years of age;

(c) Work for persons under 12 years of age; and

(d) In general, the employment of minors of school age who have not completed, or whose work prevents them from completing, their compulsory schooling.

Nevertheless, in farming or stockbreeding, day work shall be permitted for persons between 12 and 18 years of age ...

Article 91. The National Children's Board, its various Provisional Child Protection Boards or authorized representatives may grant, in well-deserving cases, special permission in writing for night work for persons 16 years of age or over for the purposes of apprenticeship or vocational training in industries or occupations in which work must be done continuously.

Article 92. In industrial schools and reformatories, work shall be proportionate to the physical and mental powers of the pupils and suited to their aptitudes, tastes and inclinations.

The director of any such establishment who allows work therein on Sundays and other non-working days shall be liable to the appropriate legal penalties."

(d) PENAL CODE

"Article 182. The following shall be liable to two to eight years' imprisonment:

(1) Any person who causes a non-existent person to be entered in the Civil Register;

(2) Any person who causes false information that alters the civil status of a new-born child to be entered on a birth certificate;

(3) Any person who, by concealment, substitution or a declaration, leaves a new-born child without civil status or renders uncertain or alters the proper civil status.

Article 183. In the cases referred to in subparagraphs (2) and (3) of the previous article, if the act was committed in order to conceal the dishonour of the mother, the penalty shall be imprisonment for one to three years. In the case referred to in subparagraph (2), if the act was committed solely in order to protect the child, the penalty shall be imprisonment for one month to two years.

Article 184. Any person who removes a person under 12 years of age or a person non sui juris from the custody of his parents, guardians, curators or trustees or of the person in charge of him or detains him against the will of such persons shall be liable to six months' to two years' imprisonment, but if the victim gave his consent and was over 12 years of age, the penalty shall be reduced at the court's discretion. Any person who serves as an intermediary in removing a minor from his parents' parental authority without satisfying the requirements of the law shall be liable to the same penalty. The penalty shall be increased by one third where the action was taken for the purposes of gain."

35. Harmful work

(a) CONSTITUTION

"Article 66. Every employer shall in his place of employment take the measures necessary for the hygiene and safety of the workers.

Article 71. The laws shall afford special protection to working women and minors."

(b) GENERAL HEALTH ACT

"Article 3. Every inhabitant shall be entitled to health services, as specified in the special laws and regulations, and is under a duty to care for his own health and help preserve the health of his family and of the community."

(c) LABOUR CODE

"Article 87. It is strictly forbidden to engage women and persons under 18 years of age for work which is unhealthy, arduous or represents a physical or moral danger, as defined by the regulations. To this end, the Ministry of Labour and Social Security shall take account of the provisions of article 199 and, in regard to agriculture and stockbreeding, classify the work in question as unhealthy, arduous or dangerous only in well-justified exceptional cases.

Without prejudice to other legal penalties and compensation, if any of the persons referred to in the previous paragraph meets with an accident or contracts a disease and it is ascertained that the accident or disease is due to the prohibited work, the employer held responsible shall indemnify the victim of the accident or disease with a sum equal to three months' wages.

Article 92. In industrial schools and reformatories, work shall be proportionate to the physical and mental powers of the pupils and suited to their aptitudes, tastes and inclinations.

The director of any such establishment who allows work therein on Sundays and other non-working days shall be liable to the appropriate legal penalties."

(d) MINISTRY OF LABOUR AND SOCIAL SECURITY ORGANIZATION ACT

Occupational Safety and Hygiene Office:

"Article 65. It shall attach special importance to studying occupational diseases, investigating the causes and determining of avoiding them. It shall also attend to the occupational rehabilitation of the victims of accidents.

Article 66. It shall promote the establishment of industrial safety commissions and encourage the preparation of occupational hygiene and safety codes, ..."

36. Age limits

(a) CONSTITUTION

"Article 71. The laws shall extend special protection to working women and minors."

(b) LABOUR CODE

"Article 87. It is strictly forbidden to engage women and persons under 18 years of age for work which is unhealthy, arduous or represents a physical or moral danger, as defined by the regulations ...

Without prejudice to other legal penalties and compensation, if any of the persons referred to in the preceding paragraph meets with an accident or contracts a disease, and it is ascertained that the accident or disease is due to the performance of the prohibited work, the employer held responsible shall indemnify the victim of the accident or disease with a sum equal to three months' wages."

Article 11

37. Right of everyone to an adequate standard of living

(a) CONSTITUTION

"Article 50. The State shall endeavour to achieve the greatest welfare of all the inhabitants of the country by organizing and promoting production and the most appropriate distribution of wealth."

(b) LABOUR CODE

"Article 177. Every worker has the right to earn a minimum wage which covers the normal material, moral and cultural needs of his household and which shall be fixed from time to time with due regard for the nature of every job and the particular conditions of every district and of every intellectual, industrial, commercial, stockbreeding or farming activity."

(c) MINISTRY OF LABOUR AND SOCIAL SECURITY ORGANIZATION ACT

Social Welfare Office

"Article 82. It shall be the duty of this Office, as its fundamental activity, to strive to raise the level and increase the well-being of the working class, without prejudice to its ability to deal with other social and economic problems of the population in general."

38. Methods of production, and conservation

(a) CONSTITUTION

"Article 50. The State shall endeavour to achieve the greatest welfare of all inhabitants of the country by organizing and promoting production and the most appropriate distribution of wealth.

Article 64. The State shall encourage the establishment of co-operatives as a means of providing better living conditions for workers."

Disseminating knowledge of the principles of nutrition

CONSTITUTION

"Article 67. The technical and cultural education of the workers shall be a concern of the State."

GENERAL HEALTH ACT

"Article 10. Any person is entitled to obtain from the competent officials any information required and proper instructions on matters, measures and practices conducive to improving and maintaining his personal health and that of the members of his family, particularly in respect of hygiene, proper nutrition, psychological guidance, mental health, sexual education, communicable diseases, family planning, early diagnosis of illnesses, as well as information on practices and the use of special technical apparatus.

Article 11. All persons, in particular persons intending to marry, are entitled to request and promptly receive from the competent health services health certificates certifying, subsequent to the necessary examinations, that they are not suffering from communicable or chronic diseases or any condition that might jeopardize the health of third parties or of their offspring.

Article 12. Expectant mothers are entitled to information on mother and child care, to medical supervision during their pregnancy, to medical care during childbirth and to receive food supplements for themselves and for their child."

Agrarian systems

CONSTITUTION

"Article 50. The State shall endeavour to achieve the greatest welfare of all the inhabitants of the country by organizing and promoting production and the most appropriate distribution of wealth."

Equitable distribution of food supplies

CONSTITUTION

"Article 50. The State shall endeavour to achieve the greatest welfare of all the inhabitants of the country by organizing and promoting production and the most appropriate contribution of wealth."

SOCIAL DEVELOPMENT AND FAMILY ALLOWANCES ACT

"Article 1. A Social Development and Family Allowances Fund is hereby established under the administration of the Directorate of Social Development and Family Allowances and all matters relating to the Fund are hereby declared as being of public interest.

Article 2. The beneficiaries of the Fund shall be all Costa Rican citizens of limited financial means, in accordance with the requirements laid down by this Act and the regulations.

Article 3. Resources shall be allocated from the Social Development and Family Allowances Fund to pay for programmes and services provided by the State institutions responsible for supplementary income support for families of limited means, such as the Ministry of Health, through its food programmes, and preferably through the school boards and local food and education centres, the Joint Social Welfare Institute and the National Children's Board."

Article 12

42. Physical and mental health

(a) CONSTITUTION

"Article 73. Social security for manual and office workers shall be established under a system of compulsory contributions by the State, employers and workers in order to protect workers against the risks of sickness, invalidity, maternity, old age, death and other contingencies determined by law."

(b) GENERAL HEALTH ACT

"Article 1. The good health of the population is in the public interest and is protected by the State.

Article 2. It is an essential duty of the State to provide for the health of the population. The Executive, through the Ministry of Health, hereinafter referred to as the 'Ministry', shall formulate national health policy and regulations and the planning and the co-ordination of all health-related public and private activities and all activities required of it by law. The Ministry shall have the authority to issue regulations in these matters.

Article 3. Every inhabitant is entitled to health services, as specified by the special laws and regulations, and is under a duty to care for his own health and help preserve the health of his family and of the community."

43. Environmental and industrial hygiene

(a) CONSTITUTION

"Article 66. Every employer shall in his place of employment take the necessary measures for the hygiene and safety of the workers.

Article 71. The laws shall afford special protection to working women and minors."

(b) MINISTRY OF LABOUR AND SOCIAL SECURITY ORGANIZATION ACT

Occupational Safety and Hygiene Office:

"Article 63. The Office shall determine working conditions in all private or State-owned firms, institutions or places of work to ensure that the services are performed under the best conditions of hygiene and safety."

(c) GENERAL OCCUPATIONAL SAFETY AND HYGIENE REGULATIONS

"Article 1. The purpose of the present Regulations is to establish the general safety and hygiene conditions in which all work must be done at all places of employment to ensure effective protection of the life, health and physical and moral integrity of the workers.

Article 3. Every employer or his representative, intermediary or contractor shall at his own expense adopt and implement in the place of employment proper safety and hygiene measures to protect the life, health and physical and moral integrity of the workers, especially in respect of:

- (a) Buildings, plant and environmental conditions;
- (b) Work operations and processes;
- (c) The supply, use and maintenance of personal protective equipment;
- (d) The positioning and maintenance of guardrails and protection from machinery and all types of installations; and
- (e) the reduction through appropriate technical measures, of the impact of noise and any vibrations harmful to workers.

Article 4. The employer shall also be required:

- (a) To keep the machinery equipment and tools in a good state of repair, operation and use;
- (b) To promote the training of his workers in occupational safety and hygiene;
- (c) To allow the competent authorities to place copies of legislation warnings, posters and similar notices relating to occupational safety and hygiene in their places of employment."

44. Prevention and treatment of diseases

(a) GENERAL HEALTH ACT

"Article 1. The good health of the population is in the public interest and is protected by the State.

Article 2. It is an essential duty of the State to provide for the health of the population. The Executive, through the Ministry of Health, hereinafter referred to as the 'Ministry', shall formulate national health policy and regulations and the planning and co-ordination of all health-related public and private activities and all of such activities required of it by the law. The Ministry shall have the authority to issue regulations in these matters.

Article 9. Everyone shall seek to improve, maintain and recover his own health and the health of the members of his household, by avoiding harmful acts or omissions and obeying the technical instructions and compulsory rules of the competent authorities."

(b) MINISTRY OF LABOUR AND SOCIAL SECURITY ORGANIZATION ACT

Occupational Safety and Hygiene Office:

"Article 65. It shall attach special importance to studying of occupational diseases, investigating the causes and determining ways of avoiding them. The Office shall also attend to occupational rehabilitation of victims of accidents.

Article 66. It shall promote the establishment of industrial safety commissions and encourage the preparation of occupational hygiene and safety codes ..."

(c) CIVIL CODE

"Article 46. Any person may refuse to undergo medical or surgical examination or treatment, except in cases of compulsory vaccination or other public health and occupational safety measures and in the cases stipulated in article 98 of the Family Code ..."

45. Medical attention

(a) CONSTITUTION

"Article 73. Social security for manual and office workers shall be established under a system of compulsory contribution by the State, employers and workers, in order to protect workers against the risks of sickness, invalidity, maternity, old age, death and other contingencies determined by law ...

Insurance against occupational risks shall be the exclusive responsibility of employers and shall be governed by special regulations."

(b) LABOUR CODE

"Article 193. Every employer, whether public or private, shall insure his workers against work-related risks, through the National Institute of Insurance ..."

(c) GENERAL HEALTH ACT

"Article 3. Every inhabitant is entitled to health services, as specified by the special laws and regulations, and is under a duty to care for his own health and help preserve the health of his family and of the community."

Article 13

46. Right of everyone to education

(a) CONSTITUTION

"Article 77. Public education shall be organized as an integrated process throughout the various stages, from the pre-school to the university stage.

Article 78. Primary instruction shall be compulsory; pre-school, primary and secondary education shall be free of charge, the cost being defrayed by the nation ...

Article 83. The State shall sponsor and organize adult education with a view to combating illiteracy and providing cultural opportunities for persons who wish to improve their intellectual, social and economic situation.

Article 86. The State shall train teachers through special institutes and the University of Costa Rica.

Article 87. The freedom of the teaching profession is a fundamental principle of university education."

(b) EDUCATION ACT

"Article 1. Every inhabitant of the Republic has the right to education and the State has the duty to provide the broadest and the most appropriate kind.

Article 2. The purposes of Costa Rican education are the following:

(a) To train citizens who love their country, are aware of their obligations, rights and fundamental freedoms, and have a deep sense of responsibility and of respect for the dignity of the individual;

(b) To contribute to the full development of the human personality;

(c) To train citizens for a democracy which reconciles the interests of the individual and of the community;

(d) To promote the development of human solidarity and understanding; and

(e) To preserve and enrich the cultural heritage by imparting knowledge of the history of man, the great works of literature and fundamental philosophical concepts.

Article 3. To fulfil these aims, Costa Rican schools shall seek to:

(a) Improve the mental, moral and physical health of man and of the community;

(b) Secure the intellectual development of man and his moral, aesthetic and religious values;

(c) Foster a proper family life that upholds Christian traditions and the civic values of a democracy;

(d) Convey knowledge and technology, suited to the mental and physical development of the students;

(e) Develop skills with due concern for differences between individuals; and

(f) Encourage the productive capacity and efficiency of society.

Article 4. Public education shall be organized as an integral process throughout the various stages, from the pre-school to the university stage.

Article 10. All educational activities shall be conducted in a democratic environment of mutual respect and responsibility."

47. Primary education

(a) CONSTITUTION

"Article 78. Primary instruction shall be compulsory; pre-school, primary and secondary education shall be free of charge, the costs being defrayed by the nation ..."

(b) EDUCATION ACT

"Article 8. Primary education shall be compulsory; pre-school, primary, and secondary education shall be free of charge, the cost being defrayed by the nation.

Article 12. The aims of pre-school education shall be:

(a) To protect the child's health and foster his harmonious physical growth;

(b) To encourage the development of good habits;

(c) To stimulate and guide childhood experiences;

(d) To instil a feeling for the aesthetic;

(e) To encourage attitudes of team-spirit and co-operation;

(f) To encourage the child's self-expression; and

(g) To stimulate the powers of observation.

Article 13. The aims of primary education shall be:

(a) To stimulate and guide the harmonious development of the child's personality;

(b) To provide the child with basic knowledge and plan activities which encourage the development of his intelligence, skill and dexterity and to form the attitudes and habits needed to perform efficiently in society;

(c) To further the development of healthy co-existence within the society, respect for the common good, to give training in citizenship and support for democratic ideas and practice in Costa Rican life;

(d) To provide training in maintaining and improving one's health;

(e) To provide training in rational thinking and understanding of the universe;

(f) In accordance with democratic principles, to teach students to lead a just, supportive family and civic life;

(g) To train the student for working life and to cultivate in him an understanding of the economy and of society;

(h) To train the student in the appreciation, interpretation and creation of beauty; and

(i) To instil spiritual, moral and religious precepts and encourage adherence to good moral principles in keeping with Christian tradition."

48. Secondary education

(a) CONSTITUTION

"Article 78. Primary instruction shall be compulsory; pre-school, primary and secondary education shall be free of charge, the cost being defrayed by the nation ..."

(b) EDUCATION ACT

"Article 14. Secondary education comprises all of the systems and methods designed to meet the adolescent's educational needs, general and vocational, and has the following aims:

(a) To help to train the student's personality in an environment conducive to his physical, intellectual and moral development;

(b) To reinforce a concept of the world and of life based on the ideals of universal culture and Christian principles;

(c) To develop his analytical thinking process so as to examine moral, ethic and social values and solve problems intelligently and thus further the progress of culture;

(d) To equip him for civic life and the responsible exercise of freedom, by providing a basic knowledge of his country's institutions and the economic and social realities of the nation;

(e) To orient the adolescent in acquiring a general culture that includes the necessary knowledge and values which he will need to guide him and to understand the problems that will face him in his social environment; and

(f) To develop skills and talents which will enable him to choose a particular vocational or professional activity."

49. Higher education

(a) CONSTITUTION

"Article 78. ... The State shall enable persons without financial resources to obtain higher education. Scholarships and assistance shall be awarded by the appropriate Ministry, through an organization determined by law.

Article 83. The State shall sponsor and organize adult education with a view to combating illiteracy and providing cultural opportunities for persons who wish to improve their intellectual, social and economic situation.

Article 84. The University of Costa Rica shall be a higher cultural institution enjoying independence in the exercise of its functions and full legal capacity to acquire rights and to contract obligations, and to provide for its own organization and administration. All other State higher education institutions at university level shall have the same functional independence and legal capacity as the University of Costa Rica.

The State shall endow them with their own property and assist in funding them."

(b) EDUCATION ACT

"Article 19. The University of Costa Rica shall be a higher cultural institution enjoying independence in the exercise of its functions and full legal capacity to acquire rights and to contract obligations and to provide for its own organization and administration.

Article 33. Private educational establishments shall be subject to State inspection, in accordance with article 79 of the Constitution.

Article 36. All pupils shall be entitled to enter private educational institutions without any distinction as to race, religion, social status or political beliefs."

50. Fundamental education

(a) CONSTITUTION

"Article 78. Primary instruction shall be compulsory; pre-school, primary and secondary education shall be free of charge, the cost being defrayed by the nation.

The State shall enable persons without financial resources to obtain higher education. Scholarships and assistance shall be awarded by the appropriate Ministry, through an organization determined by law.

Article 86. The State shall train teachers through special institutes, the University of Costa Rica and other university-level higher education establishments.

Article 87. The freedom of the teaching profession is a fundamental principle of university education."

(b) EDUCATION ACT

"Article 11. The State shall sponsor and organize adult education with a view to combating illiteracy and providing cultural opportunities for persons who wish to improve their intellectual, social and economic situation.

Article 17. Technical instruction shall be provided to persons who wish to follow intermediate-level vocational or professional training for which they are required to have completed their primary or part of their secondary education.

The duration of such courses and the relevant syllabuses shall be established by the Supreme Educational Council in accordance with the country's needs and the specific characteristics of the professions or trades.

In addition to the technical instruction referred to in the above paragraph, special apprenticeship courses shall be provided, at the discretion of the Higher Education Council.

Article 30. Through its organs and institutions, the State shall provide communities with properly co-ordinated programmes designed to raise the cultural, social and economic level of their members.

Article 32. The State shall devise fundamental education programmes designed to prepare citizens fully to exercise their social and civic responsibility; to achieve a satisfactory level of physical and mental health; to exploit rationally natural resources, and to raise the standard of living and increase the wealth of the nation."

51. Fellowships

(a) CONSTITUTION

"Article 78. The State shall enable persons without financial resources to obtain higher education. Scholarships and assistance shall be awarded by the appropriate Ministry, through an organization determined by law.

Article 83. The State shall sponsor and organize adult education with a view to combating illiteracy and providing cultural opportunities for persons who wish to improve their intellectual, social and economic situation.

Article 86. The State shall train teachers through special institutes, the University of Costa Rica and other university-level higher education establishments."

52. Liberty of parents and, when applicable, legal guardians

(a) CONSTITUTION

"Article 78. Primary instruction shall be compulsory; pre-school, primary and secondary education shall be free of charge, the cost being defrayed by the nation.

Article 79. Freedom of education is guaranteed. All private educational centres shall nevertheless be subject to State inspection.

Article 80. Private initiative in education shall receive State encouragement in the manner prescribed by law."

(b) FAMILY CODE

"Article 130. Parental authority confers the rights and entails the obligations to educate, protect, supervise and, with moderation, chastise a child. Persons in whom parental authority is vested are also empowered to request the courts to authorize the adoption of measures necessary to assist in providing minors with guidance, which may include placing them in a specialized institution for a period of time."

53. Liberty of individuals and bodies to establish and direct educational institutions

(a) CONSTITUTION

"Article 79. Freedom of education is guaranteed. All private educational centres shall nevertheless be subject to State inspection.

Article 80. Private initiative in education shall receive State encouragement in the manner prescribed by law."

(b) EDUCATION ACT

"Article 33. Private educational establishments shall be subject to State inspection, in accordance with article 79 of the Constitution.

Article 35. The education provided by private establishments shall be of a democratic nature both in terms of its content and its general orientation. It shall be guided by the principles and objectives on which this Act is based.

Article 36. All pupils shall be entitled to enter private educational institutions without any distinction as to race, religion, social status or political beliefs."

(c) PRIVATE UNIVERSITIES ACT

"Article 5. A foundation or association must be established in order to request authorization to operate a private university; the representative of the foundation or association shall submit the application to the National Council of Private University Education.

Article 8. Once the private university has been authorized to operate, it shall be free to pursue its teaching and academic activities and to develop its teaching programmes and syllabuses. It shall begin to provide courses during the academic year in which it receives its authorization or during the next academic year.

Article 9. Pursuant to this Act, private universities shall, as higher education institutions, enjoy complete freedom to teach, to carry out scientific research and to disseminate culture."

Article 14

54. Compulsory primary education, free of charge

(a) CONSTITUTION

"Article 77. Public education shall be organized as an integrated process throughout the various stages, from the pre-school to the university stage.

Article 78. Primary instruction shall be compulsory; pre-school, primary and secondary education shall be free of charge, the cost being defrayed by the nation.

The State shall enable persons without financial resources to obtain higher education. Scholarships and assistance shall be awarded by the appropriate Ministry, through an organization determined by law.

Article 79. Freedom of education is guaranteed. All private educational centres shall nevertheless be subject to State inspection."

(b) EDUCATION ACT

"Article 8. Primary instruction shall be compulsory; pre-school, primary and secondary education shall be free of charge, the cost being defrayed by the nation."

Article 15

55. Protection of interests resulting from any scientific, literary or artistic production

(a) CONSTITUTION

"Article 47. Every author, inventor, producer or trader shall enjoy exclusive ownership of his work, invention, trade mark or trade name, in accordance with the law."

(b) COPYRIGHT AND ASSOCIATED RIGHTS ACT

"Article 1. The rights referred to in this Act are conferred on the authors of intellectual productions. The material and moral rights over literary and artistic works shall be vested in their authors.

'Literary and artistic works' means all productions in the artistic field, whatever the form of expression, such as books, leaflets, letters or other written matter; lectures, speeches, sermons or other similar works; dramatic and musical works; choreographic works and pantomimes; musical compositions, with or without lyrics, cinematographic works, which shall include works that use a form of expression similar to cinematography; drawings, paintings, architecture, sculpture, engravings, lithography, photographic works, which shall include works that use a form of expression similar to photography; works of the applied arts; illustrations, maps, plans, drawings and plastic works in the fields of geography, topography, architecture or the sciences; derived works, such as adaptations, translations and other transformations of original works that are not public property and whose authors have given their permission.

Article 2. This Act protects the works of Costa Rican authors, whether or not they reside in Costa Rica, and those of foreign authors who reside in Costa Rica."

(c) ACT RELATING TO PATENTS OF INVENTION, DRAWINGS, INDUSTRIAL MODELS AND WORKING MODELS

"Article 1. Inventions

1. An invention shall be a product, machine, tool or manufacturing process and shall be protected by the patent ...

Article 3. Patent rights. Transfer and licences

1. Patent rights shall be the property of the inventor. The inventor shall be deemed to be the first applicant for the patent in the country in which the invention is made ...

Article 16. Rights conferred by a patent. Limitations

1. Subject to the restrictions prescribed by this Act, the patent shall confer on its holder the right exclusively to make use of the invention and to grant licences authorizing third parties to make use of it ..."

56. Conservation, development and diffusion of science and culture

(a) CONSTITUTION

"Article 89. The cultural purposes of the Republic include: the protection of natural beauty, the conservation and the expansion of the historical and artistic heritage of the nation and encouragement of private effort to further scientific and artistic progress."

57. Freedom for scientific research and creative activity

1. CONSTITUTION

"Article 83. The State shall sponsor and organize adult education with a view to combating illiteracy and providing cultural opportunities for persons who wish to improve their intellectual, social and economic situation.

Article 89. The cultural purposes of the Republic include: the protection of natural beauty, the conservation and expansion of the historical and artistic heritage of the nation and the encouragement of private effort to further scientific and artistic progress."

2. NATIONAL COUNCIL FOR SCIENTIFIC AND TECHNOLOGICAL RESEARCH ACT

"Article 2. The function of the Council shall be to promote the development of science and technology for peaceful purposes, through orderly research and creativity.

Article 3. The Council shall provide financial assistance to those bodies or persons engaged or wishing to engage in research work in accordance with the regulations laid down for that purpose. The Council itself may not engage in any research work.

Article 23. Any person or group of persons may submit requests for financing. Foreign natural or legal persons must be associated with Costa Rican natural or legal persons.

Article 27. The results of any research that has been financed wholly or partly by the Council must be placed at the disposal of the public and any work which is published must clearly state that it was done with the assistance of the Council."

58. International contacts ... in the scientific and cultural fields

(a) CONSTITUTION

"Article 89. The cultural purposes of the Republic include: the protection of natural beauty, the conservation and expansion of the historical and artistic heritage of the nation and the encouragement of private effort to further scientific and artistic progress."

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